

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE CHRYSLER PACIFICA FIRE
RECALL PRODUCTS LIABILITY,

Case No: 2:22-cv-03040-DML-EAS

Plaintiff,

v.

MDL NO. 3040,

Defendant.

**NON-PARTY, PROGRESSIVE CASUALTY INSURANCE COMPANY'S
OBJECTION TO SUBPOENA**

NOW COMES non-party, Progressive Casualty Insurance Company's objection to FCA's subpoena pursuant to Fed. R. Civ. P. 45, and states as follows:

1. On or about March 17, 2023, FCA's attorney issued a subpoena to non-party, Progressive Casualty Insurance Company ("Progressive"), to produce documents relating to a 2018 Chrysler Pacifica owned or formerly owned by Lauren Huntington. (**Ex. A**, Subpoena and Exhibit A to Subpoena).
2. On March 20, 2023, according to the Proof of Service, FCA served the subpoena on Progressive. (**Ex. B**, Proof of Service).

S E C R E T W A R D L E

3. On April 3, 2023, the undersigned sent an email to FCA's attorney regarding issues with the subpoena that are outlined in the foregoing Motion.

4. At the time of filing, FCA's attorney had not responded to the undersigned's email.

5. Progressive's objection is based on the grounds that the issuing party, FCA, failed to tender the appropriate witness fee, as required by the Federal Rules of Civil Procedure Rule 45(b)(1).

6. Rule 45(b)(1) clearly states: "...a subpoena requires delivering a copy to the named person, and if the subpoena requires that person's attendance, tendering the fees for 1 day's attendance and the mileage allowed by law."

7. Progressive's objection is timely because the objection has been served within 14 days after the subpoena was served. *See* Fed. R. Civ. P. 45(d)(2)(B).

8. Moreover, and as previously stated, FCA's subpoena to Progressive seeks personal and private information relating to Progressive's insured, Lauren Huntington. (*See* **Ex. A**).

9. Specifically, the subpoena seeks the certain categories of records that may be confidential and protected including communications to and from Ms. Huntington from Progressive. *See* Fed. R. Civ. P. 45(d)(3)(A)(iii).

BRIEF IN SUPPORT

SECRET W A R D L E

On or about March 17, 2023, FCA's attorney issued a subpoena to non-party, Progressive Casualty Insurance Company ("Progressive"), to produce documents relating to a 2018 Chrysler Pacifica owned or formerly owned by Lauren Huntington. (**Ex. A**, Subpoena and Exhibit A to Subpoena). On March 20, 2023, according to the Proof of Service, FCA served the subpoena on Progressive. (**Ex. B**, Proof of Service). On April 3, 2023, the undersigned sent an email to FCA's attorney regarding issues with the subpoena that are outlined in the foregoing Motion.

At the time of filing, FCA's attorney had not responded to the undersigned's email. Progressive's objection is based on the grounds that the issuing party, FCA, failed to tender the appropriate witness fee, as required by the Federal Rules of Civil Procedure Rule 45(b)(1). Rule 45(b)(1) clearly states: "...a subpoena requires delivering a copy to the named person, and if the subpoena requires that person's attendance, tendering the fees for 1 day's attendance and the mileage allowed by law."

Progressive's objection is timely because the objection has been served within 14 days after the subpoena was served. *See* Fed. R. Civ. P. 45(d)(2)(B). Moreover, and as previously stated, FCA's subpoena to Progressive seeks personal and private information relating to Progressive's insured, Lauren Huntington. (*See* **Ex. A**). Specifically, the subpoena seeks the certain categories of records that may be

confidential and protected including communications to and from Ms. Huntington from Progressive. *See* Fed. R. Civ. P. 45(d)(3)(A)(iii).

SECRET WARDLE

BY: /s/ Matthew J. Consolo

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Dated: April 3, 2023

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